

**THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:) CHAPTER 13
) CASE NO: 19-50681
Christopher D Janok)
) ALAN M. KOSCHIK
) BANKRUPTCY JUDGE
)
) TRUSTEE'S OBJECTION TO
) CONFIRMATION AND MOTION TO
) DISMISS AND 21 DAY OBJECTION
) PERIOD
)
DEBTOR(S))

Now comes Keith L. Rucinski, the Chapter 13 Trustee, and pursuant to 11 USC § 1307(c) hereby files this Objection to Confirmation and Motion to Dismiss.

1. The plan was filed on 03/27/2019.
2. The Chapter 13 plan payment is \$1,448.00 MONTHLY.
3. The reason(s) that the Trustee cannot recommend the plan for confirmation is:

_____ A. Pursuant to 11 USC § 1307(c)(6) and 11 USC § 1325(b)(4)(B), the plan as proposed will not complete within the maximum of 60 months from the date of the required first plan payment. Therefore, the plan is not feasible. (See box below)

 X B. Pursuant to 11 USC § 1307(c)(4) and 11 USC § 1326, the Debtor(s) is delinquent in plan payments. (See box below)

 X C. Pursuant to 11 USC § 1307(c)(1), the Debtor(s) has failed to resolve an objection to confirmation filed by a creditor. (See box below)

_____ D. Pursuant to 11 USC § 1307(c)(1), the Debtor(s) has not prepared an order to resolve the Debtor(s) objection to a claim. (See box below)

_____ E. The plan needs amended.. (See box below)

_____ F. Pursuant to Administrative Orders 17-2 and 18-5, interest rates in the plan must be 2% higher than the prime rate at time of confirmation. (See box below)

 X G. Other (See below)

An order is needed to resolve an Objection to Confirmation of the Plan filed by M&T Bank (docket no 25) and Response (docket no 33).

The case is currently \$4,500 delinquent. This case was filed in April 2019 and a full monthly Chapter 13 plan payment has not been made into the plan. Conduit mortgage payments are to be made through the plan in the amount of \$918.92, without full plan payments being paid, the conduit plan payments will not be able to be made.

CHAPTER 13
Keith L. Rucinski
Trustee
Akron, OH 44308
(330)762-6335
Fax
(330)762-7072

If within 21 days from the date in the below certificate of service, the Debtor(s) do not resolve all item(s) noted in this pleading, the Trustee requests that the Court issue an order dismissing this case.

NOTICE

Pursuant to 11 USC § 102, unless a party in interest requests a hearing on this motion, the Court may grant this motion within 21 days from the date in the below certificate of service without further hearing or notice. Parties wishing to be heard on this motion must file a response and request a hearing with the US Bankruptcy Court at:

**US Bankruptcy Court
2 South Main Street
455 John F. Seiberling Federal Building
Akron, OH 44308**

In addition to filing a response with the Court, parties requesting a hearing must serve all parties in the below certificate of service either through the mailing address provided or, where applicable, by the Court's Electronic Filing System (ECF).

In the absence of a request for hearing by any party in interest, the Court may grant the Trustee's motion without further notice or hearing.

Respectfully submitted,

/s/ Keith L. Rucinski

Keith L. Rucinski, Chapter 13 Trustee
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CERTIFICATE OF SERVICE

I hereby certify that on 09/18/2019, the following were served a copy of this pleading:

Via Regular Mail

Christopher D Janok
1233 Nola Avenue
Barberton, OH 44203

Via ECF

DAVID A MUCKLOW (davidamucklow@yahoo.com)
Office of the US Trustee (ustpregion09.cl.ecf@usdoj.gov)
Keith L. Rucinski. Chapter 13 Trustee (krucinski@ch13akron.com)

Date of Service: 09/18/2019

By: M. Jones
Office of the Chapter 13 Trustee

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